

UNITED STATES DISTRICT COURT
For the District of Massachusetts

Hartford Fire Insurance Company,)
Plaintiff)
)
v.)
)
Town of Weston,) C.A. No. 1:05-CV-11166-EFH
Defendant)
)
v)
)
Jan Five Corp. d/b/a Alexandra Construction,)
Counterclaim Defendant)
)
and)
)
Design Partnership of Cambridge,)
Third-Party Defendant)

MEMORANDUM IN SUPPORT OF MOTION TO CONVENE A LOCAL RULE
16.1 SCHEDULING CONFERENCE

This Memorandum is provided in support of the parties' Motion to Convene a Local Rule 16.1 Scheduling Conference.

FACTS

Hartford Fire Insurance Company (hereinafter "Hartford") initially brought this action against the Town of Weston (hereinafter "Weston") on or about June 6, 2005. Weston Answered Hartford's Complaint on or about August 5, 2005 and on or about October 12, 2005 the Court scheduled a Local Rule 16.1 Scheduling Conference for December 14, 2005. The Scheduling Conference was held on December 14, 2005 and the parties proposed and the Court adopted the following schedule:

<u>Event</u>	<u>Deadline</u>
Service of Rule 26 Initial Disclosures	1/15/06
All Motions Under Fed.R.Civ.P. 12, 19 and 20 filed	3/31/06
Completion of Party and Fact Witness Depositions	8/31/06
Deadline for Plaintiff's Expert Disclosures	9/30/06
Deadline for Defendant's Expert Disclosures	11/30/06
Deadline for Plaintiff's Expert Response to Defendant's Expert Disclosures	12/31/06
Completion of Trial Expert Depositions	1/31/07
Deadline to File Summary Judgment Motions	2/15/07

On or about June 14, 2006 Weston filed its Amended Answer and Counterclaim naming Jan Five Corp. d/b/a Alexandra Construction (hereinafter "Alexandra") as a party to this action and it filed a Third Party Complaint against the Design Partnership of Cambridge (hereinafter "DPC"). On or about June 26, 2006 DPC Answered Weston's Complaint and on or about June 29, 2006 Alexandra Answered Weston's Counterclaim.

DISCUSSION

Neither Alexandra nor DPC participated in the initial Scheduling Conference held on or about December 14, 2006. Both Alexandra and DPC were not brought into this action until approximately six (6) months after the initial Scheduling Conference was held. Local Rule 16.1 provides that a scheduling conference shall be held "within ninety (90) days after the appearance of a defendant and within one hundred twenty (120) days after the complaint has been served on a defendant." Local Rule 16.1. The recent addition of

Alexandra and DPC as parties to this action is “good cause” for revising the current scheduling order. See Local Rule 16.1(g). The current scheduling order does not accommodate Alexandra or DPC and needs to be revised to allow the new parties sufficient time to conduct pre-trial discovery.

CONCLUSION

For the foregoing reasons the parties respectfully request that this Honorable Court convene a Local Rule 16.1 Scheduling Conference to revise the current scheduling order to accommodate the new parties to this action.

Respectfully submitted,

Jan Five Corp. d/b/a Alexandra
Construction

Hartford Fire Insurance Company

/s/

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/s/

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Dated: August 8, 2006

/s/

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 8, 2006.

/s/ Scott K. DeMello